

Orly Airpark By-Laws

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Section 1 General airfield rules

Operation Rule for Orly Airpark for Private Aircraft Below 5.7 Tons

1. General Operating Procedures:

1.1. SCOPE AND APPLICABILITY:

These rules apply to all private aircraft operations at Orly Airpark, located in Kajiado County, Kenya. Aircraft must not exceed a maximum takeoff weight of 5.7 tons, a wingspan of 25 meters, or a landing gear span of 6 meters. Operations must be conducted in accordance with the Orly Airpark Airfield Manual, available in hard copy and on the airpark's website.

1.2. OPERATING HOURS:

Operations are permitted from sunrise to sunset. No night operations are allowed unless specifically approved by the airfield management.

1.3. PRIOR PERMISSION REQUIRED (PPR):

All aircraft intending to use Orly Airpark must obtain prior permission from airfield management. Shareholders are exempt from this requirement.

2. Arrival and Departure Procedures:

2.1. PRE-ARRIVAL REQUIREMENTS:

All pilots must provide their estimated time of arrival (ETA) and departure (ETD) to airfield management at least 24 hours in advance. Any changes must be communicated promptly. Resident shareholders are exempt from this requirement.

2.2. RADIO COMMUNICATION:

Pilots must utilize the standard unmanned frequency and follow standard radio calls as per regulations and the airfield manual when operating at Orly Airpark.

2.3. LANDING PROCEDURES:

Aircraft must follow the standard traffic pattern for Orly Airpark. Pilots must adhere to published approach procedures and land on the designated runway. Any deviations must be approved by airfield management.

2.4. DEPARTURE PROCEDURES:

Pilots must follow the standard departure procedures and use the designated runway for takeoff. Noise abatement procedures must be observed to minimize disturbance to surrounding communities.

2.5. REPORTING TO OFFICE:

Pilots of non-resident aircraft must report to the Airpark's office before departure.

3. Ground Operations:

3.1. TAXIING:

Aircraft must taxi at a safe and controlled speed. Pilots must use designated taxiways and avoid unnecessary engine run-ups in the vicinity of residential areas.

3.2. PARKING:

Aircraft must be parked in designated areas only. Pilots are responsible for securing their aircraft and ensuring no obstruction to other airfield operations.

3.3. FUELLING:

Fueling operations must be conducted in designated areas. Pilots must follow all safety protocols and guidelines provided by airfield management during fueling.

4. Safety and Compliance:

4.1. COMPLIANCE WITH REGULATIONS:

All operations must comply with the regulations set forth by the Kenya Civil Aviation Authority (KCAA) and Orly Airpark's operating manual.

4.2. SAFETY PROCEDURES:

Pilots and crew must adhere to all safety procedures, including but not limited to wearing high-visibility clothing while on the apron and observing proper procedures during aircraft startup and shutdown.

4.3. INCIDENT REPORTING:

Any incidents or accidents occurring at Orly Airpark must be reported immediately to airfield management. An incident report form must be completed and submitted within 24 hours.

5. Environmental Considerations:

5.1. NOISE ABATEMENT:

Pilots must follow noise abatement procedures to minimize the impact on surrounding communities. This includes avoiding overflight of noise-sensitive areas and using the quietest possible operational procedures.

5.2. WASTE MANAGEMENT:

All waste generated by aircraft operations must be disposed of in accordance with airfield guidelines. Pilots are responsible for ensuring their aircraft do not leak fluids onto the airfield surfaces.

5.3. WILDLIFE HAZARD MANAGEMENT:

Pilots must report any wildlife sightings on or near the airfield-to-airfield management. Operations must cease immediately if wildlife is present on the runway until it is deemed safe to continue. Operations must proceed with caution if wildlife is known to be in the area.

6. Emergency Procedures:**6.1. EMERGENCY CONTACTS:**

Airfield management must provide all pilots with emergency contact numbers and procedures. In the event of an emergency, pilots must follow the airfield's emergency response plan.

6.2. EMERGENCY LANDINGS:

In case of an emergency landing, pilots must inform airfield management as soon as possible. The airfield will coordinate with emergency services to provide assistance.

6.3. FIRE SAFETY:

All aircraft must carry appropriate fire safety equipment. Pilots and crew must be familiar with the airfield's fire safety procedures and locations of firefighting equipment.

7. Review and Amendment:**7.1. ANNUAL REVIEW:**

These operating rules will be reviewed annually by airfield management to ensure they remain relevant and effective.

7.2. AMENDMENTS:

Any amendments to these rules must be approved by airfield management and communicated to all pilots using the airfield.

8. Airfield Manual:**8.1. AVAILABILITY:**

The Orly Airpark Airfield Manual is available in hard copy and on the airpark's website. All pilots must familiarize themselves with the manual and adhere to its guidelines.

By following these rules, we aim to ensure the safe, efficient, and environmentally responsible operation of Orly Airpark. Thank you for your cooperation.

9. Building activity

Any intended building activity within Orly Airpark needs to be submitted to the Board of Directors BEFORE any commencement of such. This in accordance with the design guidelines published on the official Orly website. This includes any structural or landscape building within or outside the assigned plots. (<https://www.orly-airpark.com/about>).

Section 2 Commercial operation

Article I: General Provisions

1. **Title:** These By-Laws shall be known and cited as the Orly Airpark Commercial By-Laws.
2. **Objective:** The objective of these By-Laws is to regulate the operation of Orly Airpark and to provide guidelines for commercial operators regarding licensing fees, operational hours, and limitations on positioning and maintenance flights, while ensuring compliance with KCAA regulations, Kajiado County regulations, and other relevant regulations.
3. **Approval and Modification:** These By-Laws can be approved and modified by the board of directors of Orly Airpark Ltd.
4. **Relation to Articles of Association:** These By-Laws shall be in addition to the articles of association of Orly Airpark Ltd.

Article II: Definitions

1. **“Commercial Operator”:** Any entity that conducts commercial activities, including but not limited to commercial flights, maintenance and other activities.
2. **“Positioning Flight”:** A flight conducted without passengers for the purpose of positioning an aircraft at a specific location.
3. **“Maintenance Flight”:** A flight conducted without passengers for the purpose of aircraft maintenance.
4. **“Training Flights”:** training flights are regarded as commercial flights but without the restriction of fare paying passengers.
5. **“AOC”:** Air operators certificate issued by KCAA
6. **“AMO”:** Approved maintenance organization licensed by the KCAA
7. **“ATO”:** Approved Training Organization licensed by the KCAA

Article III: Commercial Operator License

1. **Yearly License:** A license shall be granted to any individual or corporate entity who is a shareholder of Orly airpark or has an existing lease to a parcel on the commercial side within Orly Airpark by a shareholder. This license is granted by the board of directors of Orly Airpark on a yearly basis with the start date of the 01. Jan of each year to conduct commercial enterprises including flight instruction and activities within the scope stipulated in the license on the grounds and within the boundaries of Orly Airpark only. The license shall be subject to renewal annually upon application and payment of the applicable fees.
2. **Passenger flights:** This license does not grant the conduct of fare paying passenger flights in and out of Orly Airpark other than flight instruction.
3. Sample of Commercial operation license is in ANNEX B

4. A sample form for the application of a commercial operators' license is in ANNEX C

Article IV: Licensing Fees for Commercial Operators

1. **License Requirement:** All commercial operators conducting flights and maintenance at Orly Airpark must obtain a license from the board of directors of Orly Airpark Ltd., in compliance with KCAA regulations, Kajiado County regulations, and other relevant regulations.

2. **License Fee Calculation:** The license fee for commercial operators shall be calculated in US dollars using the following formula:

License Fee = Base Fee + (Hangar office space SQM x index) x (number of employees x index) x (nature of business x index) x (max aircraft weight x index).

The current fee structure is described in ANNEX A

Where:

- Base Fee: A fixed fee determined by the board of directors of Orly Airpark Ltd.
- Hangar space and floor area index.
- Number of employees having a security pass at Orly Airpark.
- Nature of business index.
- maximum weight of operated or maintained aircraft

3. **Payment of License Fee:** Commercial operators shall pay the license fee annually in advance to Orly Airpark Ltd.,

4. **Pro rata:** should the link not conclude a full year the calculation is done on a pro rata basis in monthly steps.

Article V: Hours of Commercial Operation

1. **Standard Operating Hours:** The standard operating hours for commercial operation at Orly Airpark shall be from 0630 to 1830 local time, Monday through Saturday.

2. **Extension of Operating Hours:** Commercial operators may request an extension of operating hours from the board of directors of Orly Airpark Ltd. For special circumstances requests shall be subject to approval by the manager of Orly Airpark.

3. **Engine runs** are subject to the general By-Laws and only to be conducted in the designated run up area and not during outside hours and lunch time 1300-1400 LT.

Article VI: Limitations on Positioning and Maintenance Flights

1. **Positioning Flights:** Commercial operators are allowed a list of aircraft described in ANNEX B without additional charges. Any positioning flight outside this or visiting aircraft beyond shall be subject to the standard landing fee calculation.

2. **Maintenance Flights:** Commercial operators are allowed a list of aircraft described in ANNEX B without additional charges. Any visiting aircraft beyond this list and serviced by the Commercial operation is subject to the standard landing fee calculation.

Articles VII : Enforcement

1. **Compliance:** All commercial operators shall comply with these Commercial By-Laws and the general operating rules and regulations set forth by the board of directors of Orly Airpark Ltd.
2. **Penalties:** Non-compliance with these By-Laws may result in penalties decided by the board of directors, including but not limited to suspension or revocation of the operator's license.

Article VIII: Compliance with Kajiado County Regulations and KCARS 2018

1. **Land Use Regulations:** Orly Airpark shall comply with all land use regulations set forth by the Kajiado County Government regarding the operation of airfields and related infrastructure.
2. **Environmental Regulations:** Orly Airpark shall comply with all environmental regulations set forth by the Kajiado County Government to mitigate the impact of its operations on the local environment.
3. **Noise Regulations:** Orly Airpark shall comply with all noise regulations set forth by the Kajiado County Government to minimise the impact of aircraft noise on the surrounding communities.
4. **Safety Regulations:** Orly Airpark shall comply with all safety regulations set forth by the Kajiado County Government and the KCARS 2018 to ensure the safe operation of aircraft within its jurisdiction.
5. **Reporting Requirements:** Orly Airpark shall provide regular reports to the Kajiado County Government regarding its operations, including but not limited to, environmental impact assessments, noise level measurements, and safety audits.
6. **Penalties for Non-Compliance:** Non-compliance with Kajiado County regulations may result in penalties, including fines or revocation of operating licenses.

Article IX: Yearly Review of License Fee Calculation

1. **Annual Adjustment:** The board of directors shall conduct a yearly review of the factors and indexes used in the license fee calculation for commercial operators at Orly Airpark.
2. **Factors Considered:** During the yearly review, the board shall consider factors such as inflation, operating costs, infrastructure improvements, and industry standards to determine if any adjustments are necessary to the license fee calculation formula.
3. **Notification:** Commercial operators shall be notified of any changes to the license fee calculation formula resulting from the yearly review at least 4 weeks prior to the end of the current licensing period.
4. **Implementation:** Any adjustments to the license fee calculation formula shall be implemented at the beginning of the next licensing period following the yearly review.

Article X: Aircraft Size Limitation

1. **Maximum Size:** The maximum size of aircraft permitted to operate at Orly Airpark shall be below 5.7 Tons with a wingspan of 25m and a landing gear width of less than 6m
2. **Permission for Heavier Aircraft:** Operators intending to operate aircraft heavier than 5.7 Tons must seek permission from the Orly Airpark Manager prior to conducting any flights.
3. **Liability for Damages:** Operators of aircraft heavier than 5.7 Tons shall be liable for any damages caused by the operation of such aircraft, and must provide proof of adequate insurance coverage to the board of directors of Orly Airpark Ltd.

Article XI: Orly Airpark Indemnity

1. **Indemnification:** The commercial operator shall indemnify and hold harmless Orly Airpark, its directors, officers, employees, and agents from and against any and all claims, damages, liabilities, costs, and expenses, including but not limited to legal fees, arising out of or in connection with the operation of the commercial operator's activities at Orly Airpark, except where such claims, damages, liabilities, costs, or expenses result from the gross negligence or willful misconduct of Orly Airpark or its agents.
2. **Insurance:**
 - **Additional Named Insured:** The license holder shall add Orly Airpark as an additional named insured party on their insurance policy against any liability arising from their operations at Orly Airpark, including third-party and liability coverage.
 - **Certificate of Insurance:** The license holder shall supply a certificate of insurance naming Orly Airpark as an additional insured party before the issue of a commercial license.
3. **Notification:** Any indemnified party seeking indemnification under this Article shall promptly notify the board of directors of Orly Airpark Ltd. in writing of any claim or potential claim giving rise to such indemnification.
4. **Defense:** Orly Airpark shall have the right to assume the defense of any claim for which indemnification is sought, provided that the indemnified party shall have the right to participate in such defense at its own expense.

5. **Limitation of Liability:** Orly Airpark shall not be liable for any claims, damages, liabilities, costs, or expenses arising from the operation of the commercial operator's activities at Orly Airpark, except where such claims, damages, liabilities, costs, or expenses result from the gross negligence or willful misconduct of Orly Airpark or its agents.

Article XII: Compliance with KCAA AOC, AMO and ATO Requirements

1. **AOC Requirement:** All commercial operators conducting flights at Orly Airpark must hold a valid Air Operator Certificate (AOC) issued by the Kenya Civil Aviation Authority (KCAA), in accordance with KCAA regulations.

2. **AMO Requirement:** All aircraft maintenance organisations (AMOs) operating at Orly Airpark must hold a valid approval from the KCAA, in accordance with KCAA regulations.

3. **ATO requirement:** All aircraft maintenance organisations (AMOs) operating at Orly Airpark must hold a valid approval from the KCAA, in accordance with KCAA regulations.

4. **Compliance:** Commercial operators, ATOs and AMOs operating within Orly Airpark must ensure compliance with KCAA regulations regarding AOC, ATOs and AMO requirements.

5. **Verification:** During the yearly licence approval all commercial operators shall supply a copy of the valid of AOC AMO ATO approvals or the application of thereof with the relevant authorities for all commercial operators and organisations conducting business at Orly Airpark.

Article XIII: Payment of External License Fees

1. **Payment Responsibility:** All license fees outside Orly Airpark fees, including but not limited to Athi River Municipality fees, Kajiado County Government fees, Air Operator Certificate (AOC), Approved Maintenance Organisation (AMO) and Approved Training Organisation (ATO) fees to the Kenya Civil Aviation Authority (KCAA), shall be the responsibility of the commercial operator and must be paid directly to the relevant authorities.

2. **Non-Payment Liability:** Orly Airpark shall not be held liable for any issues arising from the non-payment of such license fees by the commercial operator.

3. **Compliance:** Commercial operators must comply with all applicable regulations regarding the payment of external license fees to ensure continued operation at Orly Airpark.

4. **Notification:** Orly Airpark shall notify commercial operators of any changes to external license fees or regulations that may affect their operations.

5. **Indemnity:** Commercial operators shall indemnify and hold harmless Orly Airpark, its directors, officers, employees, and agents from and against any claims, damages, liabilities, costs, and expenses arising from the non-payment of external license fees.

Article XIV: Security and Access Pass Requirement for Employees

1. **Access Pass Requirement:** All employees of commercial operators at Orly Airpark must obtain a valid access pass for access to Orly Airpark premises.

2. **Overnight Stay:** Employees are not allowed to overnight within the premises of the commercial operator without prior approval from the Orly Airpark Manager.

3. **Approval and Rejection:** The management reserves the right to approve or reject the issuance of an access pass to employees.

4. **Confiscation:** The management may confiscate the access pass if an employee violates the access pass requirement to adhere to the Orly Airpark rules.

Done and adopted by the board of directors of Orly Airpark Ltd. on 24 July, 2024.

C.Strebel / Signature - Chairman, Orly Airpark Ltd. _____

- Director of Orly Airpark Ltd. _____

- Director of Orly Airpark Ltd. _____

- Director of Orly Airpark Ltd. _____

- Director of Orly Airpark Ltd. _____

- Director of Orly Airpark Ltd. _____

- Director of Orly Airpark Ltd. _____

- Director of Orly Airpark Ltd. _____

- Director of Orly Airpark Ltd. _____

- [Signature] Secretary, Orly Airpark Ltd. _____

Annex A: Sample License Fee Calculation Formula

The license fee for commercial operators at Orly Airpark shall be calculated using the following formula:

Orly airpark licence to operate fee calculation for commercial enetrprises.

Aera/ hangar / office SQM	IDX	no. of employees	IDX	nature of business	IDX	max weight of aircraft	IDX	base fee	total
	2772	1.30	18	1.25		1.50	1.00	6757	500
									7257
per SQM USD	1	1--10	1.00	flight school	1	00--1500	0.50		
		11--20	1.25	Own maintenance	1	1501--2500	0.75		
		21--50	1.50	3rd party maintenance	1.5	2501 -- 5700	1.00		
		51--100	2.00	commercial operators air charter	2	5701 -- 10000	1.50		
				schdeuled air operator	4				
				non aviation related	2				
				aviation support	0.5				

Annex B: Sample Commercial Operators License

Orly Airpark

Commercial enterprise licence application

24th July 2024

Operating approval

This is to confirm that :

0

0

is approved by Orly airpark to conduct business on its premises
in accordance with the published by laws of 24 July 2024 by the BOD

Nature of business:

AMO

ATO

AOC

other

0

0

0

0

Stamp:

Location:

0

for the Year

0

Signatures:

Chairman

Manager:

Date:

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Annex C: Sample Application Form commercial License

Orly Airpark

Commercial enterprise licence application

24th July 2024

Date of application:			
New:		Renewal: (tick appropriate)	
Period Year			
Name of registered business:			
Address:			
Contact: email:			
phone:			
Accountable Manager:			
Nature of business:	AMO	(tick appropriate)	
	ATO	(tick appropriate)	
	AOC	(tick appropriate)	
	other:	(tick appropriate)	
Plot no:		Owner of plot:	
Hangar space area in sqm.			
Number of permanent employees:			
No of aircraft being operated in case of AOC / ATO:			
No of aircraft being operated in case of AOC:			
No of aircraft maintained by AMO:			
Biggest aircraft operated by AMO ATO AOC in kgs AUW:			
Application submitted by:	Name:	Signature	
required attachments:	AOC		
	AMO		
	ATO		
	Cert of incorporation		
	PIN no certificate		
	CR12		
Application approved by BOD			
Licence fee calculation pY:	Hangar/premises SQM		
	x IDX		
	x emplyee Idx		
	x business idx		
	x aicraft idx		
	= sum		
	+ base fee		
	= yearly licence fee		
	to be paid quarterly in advance in USD.		
	(excl VAT)		